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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,422	02/21/2001	Lawrence Wilcock	30003000US	5849

7590

08/13/2004

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EXAMINER

LE, BRIAN Q

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/788,422

Applicant(s)

WILCOCK ET AL.

Examiner

Brian Q Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Response to Amendment and Arguments

1. Applicant's amendment filed June 10, 2004, has been entered and made of record.
2. Applicant's arguments with regard to claims 1-10 have been fully considered, but are not considered persuasive because of the following reasons:

The Applicant amended claim 1 which created 35 U.S.C. 112-first paragraph, enablement and 35 U.S.C. 112-second paragraph, indefinite problems. In addition, the claim's language is very difficult to understand. Please refer to 35 U.S.C 112 rejections below for further clarification.

Thus, the rejections of all of the claims are maintained.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Regarding claim 1, the first limitation of the claim indicates "recording desired-image-recording location data is indicative ...user of the camera desires an, or a further, image recording;" indicates a future/plan of a desired location. Thus, it is impossible for one to access/using a plan/future/unallocated location data of the desire-image-recording location data as in the second limitation of claim 1. In addition, one skilled in the art does not understand the concept of "recording desired-image-recording

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location data is indicative of at least one geographic location for which a user of the camera desires an, for a further, image recording". Clear and precise details/elaborations are needed for this limitation.

Claims not specifically addressed depend from indefinite antecedent claims.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 1, the first limitation of the claim indicates "recording desired-image-recording location data is indicative ...user of the camera desires an, or a further, image recording;" indicates a future/plan of a desired location. Thus, it is impossible for one to access/using a plan/future/unallocated location data of the desire-image-recording location data in the second limitation of claim 1. In addition, one skilled in the art does not understand the concept of "recording desired-image-recording location data is indicative of at least one geographic location for which a user of the camera desires an, for a further, image recording". Clear and precise details/elaborations are needed for this limitation.

3. *Claim Objections*

7. Claims 1, and 6-8 are objected to because these claims are very difficult to understand due to the use of confusing language. Appropriate correction is required. The prior art rejection based on the Examiner's best understanding.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Kuba U.S. Patent No. 5,806,072.

Regarding claim 1, Kuba teaches a method of augmenting a set of image (image management) recordings (abstract), wherein a set of image recordings are taken and corresponding taken-image-recording location data is recorded to indicate the locations wherein the image recordings were taken (directory to indicate the location of image's location) (FIG. 6); and wherein desired-image-recording location data (column 2, lines 5-23) is also recorded to indicate at least one location for which the user desires an, or a further, image recording; the desired-image-recording location data being subsequently used to retrieve one or more corresponding image recordings (FIG. 13-14).

For claim 2, Kuba also teaches a method wherein the location data is recorded in recording means that are separate from the means used to record the image recording (the difference between memory card which temporary stores record image and computer memory for image storage and reproduction, FAT file concept) (column 13, lines 36-50).

Regarding claim 3, Kuba teaches the method wherein the taken-image-recording location data and the desired-image-recording location data are recorded in the same

sequence of data items (the directory information from the memory card once attached to the interface, the transferred information from the memory card to the computer storage will maintain the same sequence of data such as created directory, sub-directory and image name) (column 13, lines 36-67 and column 14).

Referring to claim 4, Kuba further teaches a method wherein the location data is recorded in the same recording means as used to record the image recordings (use computer storage to storage all the recording image) (column 13, lines 43-45).

Regarding claim 5, please refer back to claim 3 for further explanation.

For claim 6, Kuba discloses a method wherein the subsequent retrieval of image recordings corresponding to the desired-image-recording location data involves retrieving multiple image recordings for a said desired-image-recording, displaying the retrieved image recordings to the user, and enabling the user to choose one of the retrieved image recordings for retention and association with the take image recordings (column 51, lines 65-67 and column 52, lines 1-5).

Regarding claim 7, Kuba further teaches a method wherein the subsequent retrieval of image recordings corresponding to the desired-image-recording location data involves displaying to the user a map of the area around a said desired-image-recording and obtaining user input (column 28, lines 55-67) detailing a target subject, zone or point for which an image recording is desired, and using this user input to facilitate retrieval of said desired image recording (column 51, lines 65-67 and column 52, lines 1-23).

For claim 8, Kuba teaches a method wherein subsequent to taking said image recordings, the user is presented with a map display showing the locations where image recordings were taken (column 50, lines 5-7), and wherein prior to retrieval of an image

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recording corresponding to a particular item of said desired-image-location data, the location represented by that item is indicated on the said map display when presented (column 51, lines 65-67 and column 52, lines 1-23).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuba U.S. Patent No. 5,806,072 as applied to claims 1 and 8 above, and further in view of Bacus U.S. Patent No. 6,272,235.

Regarding claim 9, Kuba does not teach the concept where a particular item can be initiated by clicking on a displayed graphic element associated with the displayed location corresponding to that item. Bacus teaches a concept of managing images wherein the image item can be initiated by click of the mouse clicking on a displayed graphic element (column 9, lines 15-30). Modifying Kuba's method of managing electronic imaging according to Bacus would be able to allow user to use the mouse or other point devices to execute images (view or enlarge) quickly. This would improve processing and therefore, it would have been obvious to one of ordinary skill in the art to modify Kuba according to Bacus.

For claim 10, Kuba also does not teach the concept of using the Internet service system to provide image recordings to registered users on the basis of location data supplied in a service request. Bacus further teaches this limitation (FIG. 1, FIG. 17, and

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FIG. 18). Modifying Kuba's method of managing electronic imaging according to Bacus would be able to allow user to access the image storage by Internet from various locations around the world. This would improve processing and therefore, it would have been obvious to one of the ordinary skill in the art to modify Kuba according to Bacus.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Contact Information

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Q Le whose telephone number is 703-305-5083. The examiner can normally be reached on 8:30 A.M - 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on 703-308-6604. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

BL
August 10, 2004



SAMIR AHMED
PRIMARY EXAMINER